



PATENT
ATTORNEY DOCKET NO.: 051480-5043-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Patent Application**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

PRIOR APPLICATION NO.: 09/743,183

Examiner: **M. Cartagena**
Group Art Unit: 3754

**CONTINUATION PATENT APPLICATION TRANSMITTAL
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation patent application under 37 C.F.R. § 1.53(b).

1. This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/743,183, filed on 14 May 2001, of:

Inventors: **Wilhelm FRANK, Stefan LEHMANN, Martin NEUMAIER,
Gerd SCHMUTZLER, Wendelin KLUEGL,
Guenter LEWENTZ, and Reda RIZK**

For: **PROCEDURE FOR POSITIONING THE ACTUATING DRIVE IN A
FUEL INJECTOR AND DEVICE FOR PERFORMING THE
PROCEDURE**

2. The papers enclosed are as follows:

<u>9</u>	Page(s) of specification including
<u>0</u>	Title Page
<u>2</u>	Page(s) of claims
<u>1</u>	Page of abstract
<u>1</u>	Sheet of <input checked="" type="checkbox"/> formal <input type="checkbox"/> informal drawings containing <u>1</u> Figure
<u> </u>	Other: _____

3. Amendments

- ☒ Cancel in this application original claims 2-10 in the enclosed copy of prior application before calculating the filing fee.
- ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☒ Applicants presently intend to file additional papers in this case shortly. Should the Examiner take this case for action before receiving such papers, it is respectfully requested that the Examiner contact the attorneys for applicant.

4. Oath or Declaration

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

- ☒ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed
PCT/Germany	DE 00 01408	May 4, 2000

Certified copy(ies): ☐ is/are attached.
☐ will follow.
☒ was/were filed in prior U.S. Application No. 09/743,183 on
14 May 2001.

6. Assignment

☒ The prior application is assigned of record from the inventors:

**Wilhelm FRANK, Stefan LEHMANN, Martin NEUMAIER,
Gerd SCHMUTZLER, Wendelin KLUEGL,
Guenter LEWENTZ, and Reda RIZK**

TO: SIEMENS AKTIENGESELLSCHAFT

recorded May 14, 2001, at Reel/Frame 011833/0878.

☐ The prior application is not assigned.

7. Small Entity Status

☐ Small entity status under 37 C.F.R. § 1.27 is hereby asserted for the present application.

8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$385.00
Total Claims (37 C.F.R. § 1.16(c))	1 - 20=	0	\$ 18.00 each =	\$ 0.00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	0	\$ 86.00 each =	\$ 0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$ 290.00	\$ 0.00
SUB-TOTAL =				\$ 0.00
Reduction by ½ for filing by a small entity				\$ 0.00
TOTAL FILING FEE =				\$ 770.00

9. Fee Payment

☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for paying the filing fees.

☐ Authorization is hereby given to charge Deposit Account No. 50-0310 in the amount of \$_____ for the application fee.

10. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 009629

11. ☐ Recognize as associate attorney _____.
(name, address, and registration no.)

12. ☒ **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/743,183 filed on May 14, 2001, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

13. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

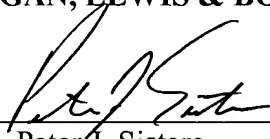
14. Additional papers enclosed:

- ☐ Preliminary Amendment
☒ Information Disclosure Statement
☒ Form PTO-1449, references cited thereon not included
☐ Declaration of Biological Deposit
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
☐ Other:

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: January 16, 2004

By: 
Peter J. Sistare
Registration No. 48,183

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: 202-739-3000
Facsimile: 202-739-3001